

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CUONG QUOC CAO,

Defendant.

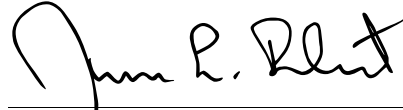
CASE NO. CR22-0028JLR

ORDER

Before the court are Defendant Cuong Quoc Cao's motions to dismiss count 3 of the indictment under (1) the Commerce Clause (1st MTD (Dkt. # 25); 1st Reply (Dkt. # 46)), and (2) the Second Amendment (2d MTD (Dkt. # 27); 2d Reply (Dkt. # 53)). (*See* Indictment (Dkt. # 1) at 2 (count 3 alleging unlawful possession of a firearm in violation of 18 U.S.C. § 922(g)(1)).) Plaintiff the United States of America (the "Government") opposes the motions. (1st Resp. (Dkt. # 37); 2d Resp. (Dkt. # 39); Surreply (Dkt. # 58).) The court has considered the motions, the parties' briefing in support of and in opposition to the motions, the relevant portions of the record, and the governing law. Being fully

1 advised,¹ the court DENIES Mr. Cao's motions (Dkt. ## 25, 27). A written order setting
2 forth the court's analysis will follow.

3 Dated this 2nd day of April, 2024.

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5 JAMES L. ROBART
6 United States District Judge
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21 ¹ Mr. Cao requests oral argument on both motions, but the Government does not. (*See*
22 1st MTD at 1; 2d MTD at 1; 1st Resp. at 1; 2d Resp. at 1.) The court determines that oral
argument would not aid in its disposition of the motions. *See* Local Rules W.D. Wash. LCrR
12(b)(12).